

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS TURNER,

Plaintiff,

v.

W.W. GRAINGER, INC., an Illinois  
corporation; RONALD HANSEN, and his  
marital community; JOHN DOE  
MANAGERS and SUPERVISORS and  
their marital communities,

Defendants.

No. C09-1068 RAJ

SECOND DECLARATION OF  
MARALEE M. DOWNEY IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

I, MARALEE M. DOWNEY, declare and state as follows:

1. I am one of the attorneys representing defendants W.W. Grainger, Inc. ("Grainger") and Ronald Hansen in this case. I am over the age of 18, competent to testify, and make this declaration based on my personal knowledge and my knowledge of the files and records maintained by my law firm, Perkins Coie LLP.

2. Attached as Exhibit A are true and correct copies of excerpts from Helene Sherlock's deposition testimony.

3. Attached as Exhibit B are true and correct copies of excerpts from Jake Leonard's deposition testimony.

SECOND DECLARATION OF MARALEE M.  
DOWNEY ISO DEFS' MOTION FOR SJ (No. C09-  
1068 RAJ) – 1

04311-0016/LEGAL18406154.1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1 I declare under penalty of perjury under the laws of the United States and the State of  
2 Washington that the foregoing is true and correct.  
3

4  
5 SIGNED at Seattle, Washington this 8th day of June, 2010.  
6

7  
8 s/ Maralee M. Downey, WSBA No. 38239  
9 MARALEE M. DOWNEY, WSBA No. 38239  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

SECOND DECLARATION OF MARALEE M.  
DOWNEY ISO DEFS' MOTION FOR SJ (No. C09-  
1068 RAJ) – 2

04311-0016/LEGAL18406154.1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

CERTIFICATE OF SERVICE

I certify that on June 8, 2010, I caused the foregoing **SECOND DECLARATION OF MARALEE M. DOWNEY IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals of record:

Mary Ruth Mann and James W. Kytle  
Law Offices of Mann and Kytle, PLLC  
200 Second Avenue West  
Seattle, WA 98119

Attorneys for Plaintiffs

Dated this 8th day of June, 2010, at Seattle, Washington.

s/ Janet Davenport  
Janet Davenport, Legal Secretary

DEPOSITION OF HELENE SHERLOCK, TAKEN ON FRIDAY, MAY 14, 2010

Page 1

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS TURNER,

Plaintiff,

vs.

NO. C09-1068RAJ

W. W. GRAINGER, an Illinois  
corporation; RONALD HANSEN,  
and his marital community,  
JOHN DOE MANAGERS and  
SUPERVISORS and their marital  
communities,

Defendants.

/

DEPOSITION OF HELENE SHERLOCK

SAN FRANCISCO, CALIFORNIA

FRIDAY, MAY 14, 2010

**Exhibit A**

REPORTED BY: E. BRUIHL, CLR, RPR, CSR NO. 3077

**Second Declaration  
of M. Downey - 4**

A REGISTERED PROFESSIONAL REPORTER

DEPOSITION OF HELENE SHERLOCK, TAKEN ON FRIDAY, MAY 14, 2010

Page 2

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF WASHINGTON  
3 AT SEATTLE  
4  
5 THOMAS TURNER,  
6 Plaintiff,  
7 vs. NO. C09-1068RAJ  
8 W. W. GRAINGER, an Illinois  
9 corporation; RONALD HANSEN,  
10 and his marital community,  
11 JOHN DOE MANAGERS and  
12 SUPERVISORS and their marital  
13 communities,  
14 Defendants.

15 /  
16  
17  
18  
19

20 Deposition of HELENE SHERLOCK on behalf of  
21 plaintiff FRIDAY, MAY 14, 2010, at 11:00 A.M.,  
22 before Easteller Bruihl, CSR No. 3077, a licensed  
23 and Certified California Shorthand Court Reporter  
24 for Star Reporting Service, Inc., 703 Market Street,  
25 Suite 1007, San Francisco, CA 94103

**Second Declaration  
of M. Downey - 5**

STAR REPORTING SERVICE, INC. (415) 348-0050

--000--

A P P E A R A N C E S

FOR THE PLAINTIFF:

LAW OFFICES OF MANN AND KYTLE, PLLC

BY: MARY RUTH MANN, ESQ.

200 Second Avenue West

Seattle, WA 98119

Tel: (206) 587-2700

mrmann@mrmanlaw.com

FOR DEFENDANT:

PERKINS COIE LLP

BY: CALVIN L. KEITH, ESQ.

and HANK GALATZ, ESQ. (Via telephone)

1120 N.W. Couch Street

Tenth Floor

Portland, OR 97209-4128

Tel: (503) 727-2006

Fax: (503) 346-2006

ckeith@perkinscoie.com

**Second Declaration  
of M. Downey - 6**

DEPOSITION OF HELENE SHERLOCK, TAKEN ON FRIDAY, MAY 14, 2010

Page 8

1 HELENE SHERLOCK,  
2 having first been duly sworn and/or affirmed to tell  
3 the truth, the whole truth and nothing but the  
4 truth, under oath, testified as follows:

5

6 EXAMINATION BY MS. MANN

7 Q. So, Ms. Sherlock, could you give us your full  
8 name, please, and the title that you currently have  
9 with Grainger?

10 A. My name is Helene Sherlock, and I'm a Regional  
11 Human Resource Manager for Grainer.

12 Q. Okay.

13 In that position, have you ever had your  
14 deposition taken before about something that relates  
15 to Grainger?

16 A. No.

17 Q. And have you ever had your deposition taken  
18 before at all?

19 A. Yes.

20 Q. Okay, and did that have anything to do with  
21 Human Resources matters or?

22 A. Yes.

23 Q. And what was that about?

24 A. That was with a different organization  
25 regarding a -- an employee relations issue.

**Second Declaration  
of M. Downey - 7**

1 Liston.

2 Q. Okay, and then was there another one that --

3 A. There were additional performance improvement  
4 plans written by Chris Bader.

5 Q. Okay, and about how long total did Duane Morgan  
6 have to improve or to meet the objectives of the  
7 plan?

8 A. Approximately ninety to a hundred and  
9 twenty days.

10 Q. And was that for each plan? Or all together?

11 A. All together.

12 Q. What was the time frame of his PIPs to the best  
13 of your memory? What year?

14 A. To the best of my recollection, it was early  
15 2009.

16 Q. And what was the outcome?

17 A. To the best of my recollection, I believe he  
18 was terminated.

19 Q. And how old was Mr. Morgan?

20 A. I would estimate that he is over fifty.

21 Q. Okay. Do you have an idea how far over 20?

22 A. I do not know. I do not recall. I simply  
23 cannot recall that.

24 Q. When a termination is taking place, do you pay  
25 attention to the age of the person?

**Second Declaration  
of M. Downey - 8**



1 A. Yes.

2 Q. Was Mr. Morgan old enough that he could retire?

3 A. I am not aware of that.

4 Q. So, you haven't processed retirement paperwork  
5 on him?

6 A. I never process retirement paperwork.

7 Q. Who does that?

8 A. That is done at Lake Forrest on the behalf of  
9 the employee -- at the request of the employee.

10 Q. And what do you mean "at the request"?

11 A. The employee would make that decision.

12 Q. Uh-huh, and you wouldn't take action on that?

13 A. That doesn't -- I don't process a retirement.  
14 That's not an area that I support.

15 Q. Well, if a person who was about to be  
16 terminated indicated that they would like to retire,  
17 what would you do with them?

18 A. I would have to have discussions to understand  
19 that situation.

20 Q. Would a person who was on a PIP plan have the  
21 option of retiring if they met the age and number of  
22 years requirements?

23 A. I actually have never -- let me say I would  
24 have to talk -- I have never had that happen.

25 O. Okay.

**Second Declaration  
of M. Downey - 9**

1 Q. Okay.

2 So, immediately prior to Steve Welch going  
3 to Seattle, you called Chris Garlieb to give him a  
4 heads-up that Mr. Welch was coming into the  
5 territory?

6 A. That's correct.

7 Q. Prior to calling Ms. Garlieb, what was the  
8 incident before that in relation to the interview of  
9 Tom Turner by Mr. Welch?

10 A. These notes validate that I had a conversation  
11 with each of them and that is what I did, to my best  
12 recall.

13 Q. Okay. Now, where in these notes are the notes  
14 about what you said to Chris Garlieb?

15 A. I don't have notes as to what I said to Chris  
16 Garlieb.

17 Q. And what was the reason for that?

18 A. I don't have notes for a hundred percent of my  
19 calls.

20 Q. Okay. Can you give me an estimate of what  
21 percentage you do take notes about?

22 A. I would just be guessing.

23 Q. In the tablet that you found that you had kept  
24 notes on that you transcribed in the Grainger 2234  
25 and 2235, are there other notes about other issues

**Second Declaration  
of M. Downey - 10**

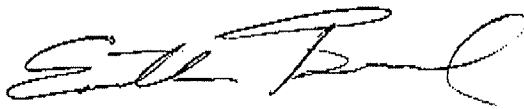
DEPOSITION OF HELENE SHERLOCK, TAKEN ON FRIDAY, MAY 14

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2  
3  
4  
5  
6  
7 I, EASTELLER BRUIHL, CSR NO. 3077, a Certified  
8 Shorthand Reporter in the State of California,  
9 certify that the foregoing Pages 1 through 200,  
10 constitute a true and correct copy of the original  
11 deposition of HELENE SHERLOCK, taken on FRIDAY, MAY  
12 14, 2010.

13 I declare under penalty of perjury under the  
14 laws of the State of California that the foregoing  
15 is true and correct.

16  
17 Dated this 17TH day of MAY 2010.

18  
19 

20 EASTELLER BRUIHL, CSR NO. 3077  
21  
22  
23  
24  
25

STAR REPORTING SERVICE, INC. (415) 348-0050

Second Declaration  
of M. Downey - 11

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS TURNER,

Plaintiff,

v.

No. C09-1068RAJ

W.W. GRAINGERS, an Illinois  
Corporations, RONALD HANSEN, and his  
marital community, JOHN DOE  
MANAGERS and SUPERVISORS and  
their marital communities,  
Defendants.

---

DEPOSITION OF:

JAKE LEONARD

---

9:00 a.m.

March 23, 2010

200 Second Avenue West, Seattle, Washington

KATHERINE MAC DONELL

COURT REPORTER

1774 RUSSELL STREET

POULSBO, WASHINGTON 98370

(360) 779-3817

1 APPEARANCES

2 FOR THE PLAINTIFF: Mary Ruth Mann

3 Mann & Kytile

4 200 Second Avenue West

5 Seattle, Washington 98119

6  
7 FOR THE DEFENDANT: Brian Flock

8 Hank Galatz (via telephone)

9 Perkins Coie

10 1120 N.W. Couch Street, Tenth Floor

11 Portland, Oregon 98209-4128

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
**Second Declaration  
of M. Downey - 13**

1 JAKE LEONARD, having been first duly sworn  
by the Notary, deposed and  
2 testified as follows:

3 \* \* \* \* \*

4 EXAMINATION

5 BY MS. MANN:

6 Q Mr. Leonard, thank you for coming. As you know,  
7 my name is Mary Ruth Mann and I represent Tom Turner in an  
8 action regarding his termination from Grainger.

9 A Okay.

10 Q As I understand it, you're are still working for  
11 Grainger; is that right?

12 A Yes.

13 Q And what's your present position?

14 A I'm government account manager.

15 Q All right. And could you give us your full name  
16 for the court reporter?

17 A Jacob Uriah Leonard.

18 Q Could you spell that please?

19 A J-a-c-o-b, U-r-i-a-h, L-e-o-n-a-r-d.

20 Q Thank you. How long have you worked for  
21 Grainger?

22 A Since April of 2006.

23 Q And what was your first position with them?

24 A Customer service manager in Las Vegas.

25 Q In Las Vegas. As a customer service manager

1 MR. FLOCK: Objection. Lacks  
2 foundation, calls for speculation.

3 A Ponderosa Heating was only doing the  
4 installation.

5 Q (By Ms. Mann) And someone who's qualified to use  
6 refrigerant has to do that, correct?

7 A Correct. Can only sell to them or have them  
8 install it.

9 Q So this was a sale to someone in Oregon where  
10 Ponderosa Heating was going to receive it and do an  
11 installation, correct?

12 MR. FLOCK: Objection. Lack  
13 foundation, calls for speculation.

14 A As far as I remember.

15 Q (By Ms. Mann) Okay. Was there anything about  
16 this that caused you any concern at the time in terms of  
17 how it was being done or the proper procedure with respect  
18 to Grainger?

19 MR. FLOCK: Objection to form. Vague,  
20 compound.

21 A As long as it was for a Boeing employee or a  
22 retired employee, then it would have been okay.

23 Q (By Ms. Mann) Okay. And do you recall -- do you  
24 recall sales to non-Boeing employees also going through  
25 that account at the Everett branch?

1 MR. FLOCK: Object to the form.

2 You can answer.

3 A There may have been from time to time, but folks  
4 were instructed not to, they were supposed to ask whether  
5 it's a Boeing employee or a retired Boeing employee.

6 Q (By Ms. Mann) And first my question is, do you  
7 remember that sales on that account were made to people  
8 who were non-Boeing employees with the knowledge of you or  
9 Sherry Smith as branch manager?

10 MR. FLOCK: Objection. Vague, calls  
11 for speculation, lacks foundation, assumes facts.

12 You can answer.

13 A There is no way I could verify that now.

14 Q (By Ms. Mann) Okay. And that's because the  
15 Boeing employee sales number was pretty widely  
16 distributed; isn't that correct?

17 MR. FLOCK: Objection. Assumes facts,  
18 calls for speculation, lacks foundation.

19 A How do you mean?

20 MS. MANN: Let's mark that as an  
21 exhibit.

22 (Exhibit No. 2 marked for  
23 identification.)

24 Q (By Ms. Mann) Do you remember seeing this flyer  
25 or one similar to it?



1 somebody?

2 A You are going to need two more digits.

3 Q I see.

4 A Or, let's see, yeah, it looks like there are  
5 seven digits; is that correct? Yeah, should be seven  
6 digits, it's cut off.

7 Q Okay. So is this a normal way of handling sales  
8 for the Boeing employee customer account, are each of  
9 these a normal way that merchandise could be sold on that  
10 account?

11 MR. FLOCK: Objection. Lacks  
12 foundation, calls for speculation.

13 A Normal way is as in them walking into the branch  
14 or calling in.

15 Q (By Ms. Mann) And they can also go online and  
16 have merchandise delivered to their home or branch,  
17 correct?

18 MR. FLOCK: Same objections.

19 A If they have the account number.

20 Q (By Ms. Mann) Okay. Now, do you have any way to  
21 know what information Lance Brown gave the branch employee  
22 in order to set up either of the sales that are made in  
23 the name of caller Lance Brown?

24 MR. FLOCK: Objection. Vague.

25 A It would come in one of three ways: It would be

1 given to us by the account manager, that would be pretty  
2 much no questions asked after that point; if they came up  
3 to the counter, we'd ask for ID or a way of verifying that  
4 they are a Boeing employee or a retired Boeing employee;  
5 and if it's over the phone we generally, if their name is  
6 already in SAP, chances are they have been checked  
7 already.

8 Q (By Ms. Mann) Now, have you ever seen any  
9 written instructions on how to use that account?

10 A I have not.

11 Q Okay. And when do you have a recollection of  
12 telling branch employees to check ID; do you remember when  
13 that would have happened?

14 MR. FLOCK: Objection. Assumes facts.

15 A As far as I can remember, so from the time I got  
16 there.

17 Q (By Ms. Mann) Okay. Now, if Mr. -- well, let me  
18 ask this: The phone people wouldn't be checking ID,  
19 correct?

20 MR. FLOCK: Objection. Calls for  
21 speculation.

22 A No. They could put it in special instructions  
23 if their name is not in SAP to check ID upon arrival.

24 Q (By Ms. Mann) But there aren't any instructions  
25 like that on anything we've seen, correct?

1 privileged communication. The witness can answer to the  
2 extent that the conversations were not with an attorney.

3 Q (By Ms. Mann) You can go ahead.

4 A I haven't had any conversation and there is no  
5 way to verify one way or another, because I don't do every  
6 transaction.

7 Q Sure. But you did some of these, correct?

8 A I did some of those.

9 Q And if I were tell you that Lance Brown is not a  
10 Boeing employee but was a small businessman, would you  
11 have any fear that you would be disciplined for having  
12 sold something to him?

13 MR. FLOCK: Objection. Calls for  
14 speculation, assumes facts, vague.

15 A No, because it wasn't intentional.

16 Q (By Ms. Mann) Okay. And do you know what the  
17 history at the Everett plant was when Sherry Smith was  
18 there in terms of using that account for sales to people  
19 who didn't have Grainger accounts set up?

20 MR. FLOCK: Objection. Assumes facts,  
21 lacks foundation.

22 A I do not.

23 Q (By Ms. Mann) Okay. Would it be fair to say  
24 that you knew that Tom Turner was using that account to  
25 make sales?

1 MR. FLOCK: Objection. Assumes facts,  
2 lacks foundation.

3 A Yeah, at our -- at the trade shows we'd hand out  
4 that and, you know, if they needed products on the side,  
5 because a lot of Boeing employees have -- they do a lot of  
6 odd jobs and things, so they bought -- they need --  
7 they're in need for a lot of the specialized tools that we  
8 have.

9 Q (By Ms. Mann) And Boeing employee have families  
10 that could use this, correct?

11 MR. FLOCK: Objection. Calls for  
12 speculation.

13 A No, because if -- they would have to have a  
14 Boeing employee.

15 Q (By Ms. Mann) They would have to have the  
16 account number?

17 A Well, they'd have -- no, they'd have to show ID  
18 when they came in, to initially start.

19 Q The flyer that you sent out just says in the box  
20 after, My company has an existing account number with  
21 Grainger, enter the account number, correct?

22 MR. FLOCK: Objection. The document  
23 speaks for itself.

24 Q (By Ms. Mann) There is nothing about ID?

25 A No, that's an internal process that we would do

1 contact was in HR?

2 MR. FLOCK: Objection. Assumes facts.

3 A Gosh, what was her name. I can't remember her  
4 name. But it's different -- HR on the branch side has a  
5 different person than HR on the account manager side. And  
6 I believe even commercial and government have different HR  
7 people.

8 Q (By Ms. Mann) Okay. Did you ever discipline a  
9 branch employee for selling on the Boeing employee  
10 customer account?

11 MR. FLOCK: Objection. Lacks  
12 foundation, assumes facts.

13 Q (By Ms. Mann) On that number without it being a  
14 Boeing employee or without checking ID, that kind of  
15 issue?

16 MR. FLOCK: Same objections.

17 A No.

18 Q (By Ms. Mann) Okay. So not even -- not even  
19 step one oral warnings, right?

20 MR. FLOCK: Same objections.

21 A No. But during our morning stand-ups it was a  
22 constant emphasis.

23 Q (By Ms. Mann) And do you -- did you document  
24 your morning stand-ups in your electronic notebook or  
25 anywhere else?

1           A     Not the morning. Not the -- the stand-ups were  
2     they give us a topic to talk about and then we talk about  
3     other issues afterwards.

4           Q     Okay. And when was the first time that the  
5     issue came up in the branch that you -- strike that.

6                     Did someone from corporate ever tell you to do  
7     this morning stand-up about the Boeing employee account?

8           A     No.

9           Q     And when is the first time you thought you  
10    needed to do a morning stand-up about the Boeing employee  
11    account?

12                     MR. FLOCK: Objection. Vague, assumes  
13    facts.

14          A     I don't know -- I don't know a specific date.

15          Q     (By Ms. Mann) Do you remember any event that  
16    caused you to start doing that?

17          A     No.

18          Q     Okay. And would you agree with me that the  
19    purchase order process did not require any documentation  
20    of a Boeing employee's ID?

21                     MR. FLOCK: Objection.  
22    Mischaracterizes the prior testimony, asked and answered.

23          A     As an attached to the file?

24          Q     (By Ms. Mann) I'm saying any place in the file,  
25    that there is no part of the process in the paperwork that

1 requires Boeing employee identification?

2 MR. FLOCK: Objection. Assumes facts,  
3 lacks foundation, mischaracterizes prior testimony.

4 A It was a branch process to check ID.

5 Q (By Ms. Mann) Okay. And would you agree that  
6 there's no place that that's documented anywhere in the  
7 records of sales?

8 MR. FLOCK: Objection. Calls for  
9 speculation, lacks foundation.

10 A I don't see anywhere that it's documented.

11 Q (By Ms. Mann) Okay. And if people who bought  
12 through the Boeing Employee account online at the branch  
13 and who picked up merchandise there said that their ID was  
14 never checked by branch personnel, would you think that  
15 was probably accurate?

16 MR. FLOCK: Objection. Calls for  
17 speculation, lacks foundation, assumes facts, incomplete  
18 hypothetical.

19 A Can you repeat the question?

20 Q (By Ms. Mann) Sure. If customers, Grainger  
21 customers who bought using the Boeing account number, were  
22 to say that, you know, they bought online or picked things  
23 up at the branch and no ID was ever checked, would you  
24 think that was probably accurate?

25 MR. FLOCK: Same objections.

1           A       It's possible, if account manager endorsed  
2       beforehand.

3           Q       (By Ms. Mann) And to your knowledge, did the  
4       account manager have the authority to make sales through  
5       that account, however they had been instructed?

6                   MR. FLOCK: Objection. Assumes facts,  
7       lacks foundation, calls for speculation.

8           A       Account managers cannot place orders. They can  
9       have customer service associates place orders for them.

10          Q       (By Ms. Mann) So if the customer service  
11       associates are not asking for ID to place orders with the  
12       Boeing account, then that's -- that would be the place  
13       where you could control it, correct?

14                  MR. FLOCK: Objection. Calls for  
15       speculation, lacks foundation, assumes fact.

16          A       That's as far as I can control it.

17          Q       (By Ms. Mann) Right. And when your customer  
18       salespeople took orders from Tom Turner on the Boeing  
19       employee account, would you agree they didn't ask him for  
20       any identification for a Boeing employee?

21                  MR. FLOCK: Objection. Vague, assumes  
22       facts, calls for speculation.

23          A       They would not ask Tom Turner for Boeing  
24       employee IDs.

25          Q       (By Ms. Mann) Okay. Would you agree that



1 Q (By Ms. Mann) Right.

2 MR. FLOCK: Same objections.

3 A I don't recall.

4 Q (By Ms. Mann) So you don't recall ever hearing  
5 that that was a subject of discipline, correct?

6 MR. FLOCK: Objection. Asked and  
7 answered.

8 A Correct.

9 Q (By Ms. Mann) Do you know whether Grainger made  
10 a profit on purchases that were made through the Boeing  
11 employee account?

12 A I do not.

13 Q And do you know what the discount was on that  
14 account?

15 A I do not.

16 Q Do you recall assisting Tom Turner with purchase  
17 of a home furnace for his father?

18 MR. FLOCK: Objection. Assumes facts.

19 A Do you have a document?

20 Q (By Ms. Mann) I think it may be the document  
21 we've already looked at. Does that refresh your memory,  
22 the condenser?

23 A I remember helping him with this one, I don't  
24 remember the specifics.

25 Q Let me hand you another document just to see if

1 that refreshes your memory.

2 A I don't recall the order.

3 Q Do you recall making the arrangements through  
4 the Oregon branch in order to deliver something to Tom's  
5 dad?

6 A I remember on this one because it needed the --

7 Q Refrigerant?

8 A -- the refrigerant card.

9 Q Okay. And --

10 A And that is how I was involved.

11 Q And that's Exhibit -- do we have a number on  
12 that one?

13 A This one is Exhibit 1.

14 Q Exhibit 1, okay. And from this form can we tell  
15 who the sales assistant or customer service person was  
16 that wrote up this order?

17 A From this form, no.

18 Q So Grainger would have another form that would  
19 show who in the branch handled this?

20 A Correct.

21 Q And do you think it was likely to be you that  
22 helped Tom write that one up?

23 MR. FLOCK: Objection. Calls for  
24 speculation.

25 A It could have been.

1 Q (By Ms. Mann) And did you think that you were  
2 doing anything wrong in assisting Tom Turner in making a  
3 sale of a furnace to his dad?

4 MR. FLOCK: Objection. Vague.

5 A I don't know if I was ever told that was for his  
6 father. I wouldn't question the integrity of an account  
7 manager.

8 Q (By Ms. Mann) Sure. And with respect to Tom  
9 Turner, would you agree that you didn't ever have reason  
10 to question his integrity during the time you worked with  
11 him?

12 MR. FLOCK: Objection. Vague, calls  
13 for speculation, lacks foundation.

14 A Correct.

15 MS. MANN: I'm just going to print  
16 another page here. Let's mark this as Exhibit No. 5.

17 (Exhibit No. 5 marked for  
18 identification.)

19 Q Would you agree we would need to see the screen  
20 print from the order that Exhibit 5 relates to, to see  
21 what the shipping instructions were and the arrangements?

22 MR. FLOCK: Objection. Calls for  
23 speculation, lacks foundation.

24 A You would need another screen print to see if  
25 there was anything inputted in the customer contact notes.

1 Q And if the -- would you agree you knew that Tom  
2 Turner didn't live in Redmond, Oregon?

3 MR. FLOCK: Lacks foundation.

4 A As far as I know, I don't know where he lives,  
5 to start with.

6 Q (By Ms. Mann) Mr. Leonard, are you concerned --  
7 I mean, you still for work Grainger today, correct?

8 A Correct.

9 Q Would you agree that it wouldn't have occurred  
10 to you back in -- what's the date of this, 2008, May of  
11 2008?

12 A June.

13 Q June?

14 A 6-11.

15 Q Okay. That it wouldn't have occurred to you at  
16 that time that there would be a problem with Tom Turner  
17 selling a furnace to his dad --

18 MR. FLOCK: Objection. Are you  
19 finished with your question before I lodge the objections?

20 MS. MANN: Counsel, why don't you just  
21 wait until I'm finished.

22 MR. FLOCK: Well, I can't tell, you  
23 paused, and so I was asking politely to ask. So finish  
24 your question. Go ahead.

25 Q (By Ms. Mann) Would you agree that in mid-2008

1 it would not have occurred to you that there was anything  
2 wrong with this sale and the way Tom Turner was doing it?

3 MR. FLOCK: Objection. Lacks  
4 foundation, calls for speculation.

5 A If he would have mentioned that it was his dad,  
6 I would not have done it or had one of my people do it.

7 Q (By Ms. Mann) And so when it was shipped to a C.  
8 Turner in Redmond, Oregon, you think that neither you nor  
9 your people were aware that Tom Turner was doing a furnace  
10 for his dad?

11 MR. FLOCK: Objection. Lacks  
12 foundation, calls for speculation.

13 A How would we know unless he told us?

14 Q (By Ms. Mann) Perhaps because you had to send  
15 the condenser unit to a --

16 A To an address.

17 MR. FLOCK: Objection.

18 Q (By Ms. Mann) To a business close to his dad's  
19 home where it could be received and installed.

20 MR. FLOCK: Objection. Argumentative,  
21 calls for speculation.

22 A Are we talking about Exhibit 1 or 5 now?

23 Q (By Ms. Mann) Let's Look at Exhibit 1.  
24 Exhibit 1 is done on the same day and done by you,  
25 correct?

1 the Everett site.

2 Q All right. So the Boeing internal CTO account  
3 might be accessible to all locations; is that what you're  
4 are thinking?

5 MR. FLOCK: Objection. Calls --

6 Q (By Ms. Mann) Or other locations?

7 MR. FLOCK: Lacks foundation, calls  
8 for speculation.

9 A It could be tied to a different facility. But I  
10 don't have any knowledge of that.

11 Q (By Ms. Mann) And did -- when -- well, let me  
12 ask this: Was Tom Turner authorized as you understood it  
13 to purchase on this account?

14 MR. FLOCK: Objection. Vague,  
15 compound, lacks foundation, calls for speculation.

16 A Which account?

17 Q (By Ms. Mann) Any Boeing employee account that  
18 was handled at your branch.

19 A Him personally?

20 Q Yes.

21 A No.

22 MR. FLOCK: Objection. Calls for  
23 speculation.

24 Q So do you know why throughout the time that you  
25 were there purchases would be made where his name was on

## C E R T I F I C A T E

STATE OF WASHINGTON)

COUNTY OF KITSAP )

I do hereby certify:

That I am a Notary Public in and for the State of Washington;

That each witness before examination was by me duly sworn to testify to the truth, the whole truth and nothing by the truth;

That the foregoing deposition was taken stenographically by me and reduced to transcript form under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof;

That each witness was given the opportunity to read and sign the deposition after the same was transcribed, unless indicated in the record that the parties and each witness waived the signing;

That all objection made at the time of said examination to my qualifications of the manner of taking the deposition, or to the conduct of any party, have been noted by me upon said deposition;

1 That the deposition as transcribed is a full, true  
2 and correct transcript of the testimony, including  
3 questions and answers, and all objections, motions, and  
4 exceptions of counsel made and taken at the time of the  
5 foregoing examination;

6 That I have made arrangements for delivery of the  
7 deposition to the appropriate place of filing.

8 IN WITNESS WHEREOF, I have hereunto set my hand  
9 and affixed by official seal this 17th day of May 2010.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Katherine Mac Donnell

Notary Public in and for  
the State of Washington,  
residing in Poulsbo.  
Commission expires 5/3/08  
CCR#:2206